IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL APPLICATION NO. 3386 OF 2007

1. Pravin Pradeep Gawas
2. Deepak Mahadeo Gawade. ... Applicants.

V/s.

The State of Maharashtra. ... Respondent.

Ms.Revati Mohite-Dere for the applicants.

K.V.Saste, APP for the State.

CORAM: V.C.DAGA, J.

DATED: 24th October 2007.

P.C.:

. Heard learned counsel for the applicant and learned A.P.P. for the State.

2. By this application, moved under section 439 of Cr.P.C., the applicants are seeking bail in connection with C.R.No.145/2006, registered with Talegaon Police Station, Pune for the offence punishable under section 395 read with section 34 of Indian Penal Code.

3. The case of the applicants is that they are falsely implicated in the present case. Neither identification parade was conducted nor any recovery is made from the applicants.

4. The applicants have already been released on bail in C.R.No.263/2006 registered with Dehuroad Police Station, Pune as there was no material to connect them with the offence of preparation to commit dacoity. Two co-accused viz. Sachin Tukaram Dangat and Vijay Machindra Sathe have been granted bail by this Court vide order dated 2nd August, 2007, whereas one more co-accused Ganesh Arun Dangat has been granted bail vide order dated 11th September, 2007.

5. In the above view of the matter, the present applicants are entitled to be released on bail on parity. I am, therefore, inclined to grant bail to the applicants, subject to the following conditions:

(a) The applicants, arrested in connection with C.R.No.145/2006 registered with Talegaon Police Station, Pune shall be enlarged on bail in the sum of Rs.25,000/- each with one or two local sureties to make up the said amount.

(b) The applicants shall report to the Talegaon Police Station once in a week, i.e. on every Friday between 3.00 to 5.00 p.m. till the conclusion of the trial.

(c) The order of bail will be given effect only after the applicants furnish to the

investigating officer the details about their place of residence and address where they propose to stay after they are enlarged on bail. The applicants will not change their residential address thereafter till the conclusion of trial without prior intimation to the investigating officer.

(d) The applicants shall not directly or indirectly, make any inducement or threat or pressurise any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

(e) The applicants shall co-operate with the investigating agency for disposal of the case. It is needless to mention that breach of any of the conditions by the applicants shall result in cancellation of bail.

(f) Any observation made in this order shall not be construed as finding or expression on merits of the case at the time of trial.

6. Application stands disposed of accordingly.

JUDGE